

## REMARKS

Applicant respectfully requests reconsideration of this application. Claims 1-31 are currently pending. Claims 29 and 31 have been amended. No claims have been cancelled or added. Therefore, claims 1-31 are now presented for examination.

### 35 U.S.C. §102 Rejection

#### **Stewart, et al.**

The Examiner rejected claims 1-31 under 35 U.S.C. 102 (e) as being anticipated over U.S Patent 6,259,405 of Stewart, et al. (hereinafter referred to as “Stewart”).

For convenience, claim 1 is again provided:

1. A method comprising:

broadcasting a synchronization signal from a wireless access point device indicating one of a plurality of modes of operation for the access point, the plurality of modes of operation including a private mode of operation for authorized devices and a public mode of operation for authorized or non-authorized devices;

broadcasting available public network services if the mode of operation is the public mode of operation;

receiving a request for establishment of a connection from a non-authorized device in response to the broadcast of a synchronization signal for the public mode of operation; and

establishing a connection between the non-authorized mobile device and the access point device.

As before, Applicant submits that Stewart does not provide for the elements of the claim. In particular, it is submitted that Stewart does not show a synchronization signal from a wireless access point device indicating one of a plurality of modes of operation for the access point, the plurality of modes of operation including a private mode of operation

for authorized devices and a public mode of operation for authorized or non-authorized devices. The arguments previously submitted by the Applicant remain valid, and Applicant hereby resubmits such arguments. The Applicant further explains the arguments below.

The point of Stewart is to provide a geographically based communications system with a number of access points. In this system, a portable computing device may announce itself and identify the mobile user, at which time the access point may send information to possible providers on the network. The providers then can use this information to choose content for the mobile user. In this kind of system, the providers may provide multiple different types of services, and thus there is some variety in the description of these services. However, there is nothing in Stewart that addresses “broadcasting a synchronization signal from a wireless access point device indicating one of a plurality of modes of operation for the access point, the plurality of modes of operation including a private mode of operation for authorized devices and a public mode of operation for authorized or non-authorized devices”. Stewart simply addresses different issues and does not contain these elements.

First, there is no such synchronization signal shown. Referring to element 120 of figure 1A (a wireless access point), the Office Action indicates that the access point broadcasts a synchronization signal indicating one of a plurality of modes of operation for the access point. The cited portion of Stewart says:

In another embodiment, a wireless AP 120 may send out a signal periodically that is recognizable by PCD 110, e.g., PDAs, laptop computers, or other mobile user devices. This signal may inform the PCD

110 that a wireless AP 120 is near and offer the MU using that PCD 110 access to the system.

(Stewart, col. 11, lines 60-65) Stewart is saying that a wireless access point may periodically send out a signal that is recognizable by a portable computing device. In this quotation, there is an indication that the signal may inform the portable computing device that the access point “is near” and “offer the MU using that PCD 110 access to the system.” There is no indication here that this signal is a synchronization signal that indicates one of a plurality of modes of operation, with the modes including a private mode of operation and public mode of operation.

Second, rather than showing the elements of the claims, the Office Action instead shows examples of services described in Stewart that might arguably be public or private, without any providing any possible connection between such services. The Office Action indicates the plurality of modes of operation include a private mode for authorized devices, where an ID code is verified and authorized devices are registered with service providers. The Office Action cites to the following sections of the reference:

In step 440 the AP determines if the PCD 110 is registered with the system, (e.g., whether the ID code supplied by the PCD 110 is on a list of authorized IDs for the system). To determine if the MU is registered, the ID code may be sent to the MIB 150 via network 130. Processor 310 may query the database of user information 325B to determine if the ID code is registered. If the ID code is in the database of user information 325B, the processor 310 may then validate the user. The processor 310 may also optionally read other demographic information on the MU to determine if the MU is authorized to access the system. For example, a MU may be restricted from using certain APs depending on his/her account or subscription.

If the MU or PCD is registered as determined in step 440, then in step 442 the system may offers service to the registered MU. If services are desired by the MU, processing continues with step 460.

(Stewart, col. 12, lines 40-56) In this portion of the reference, the access point does determine whether the portable computing device or the mobile user is registered. If they are, then service is offered to the mobile user. However, there is no indication of a synchronization signal that indicates one of a plurality of modes of operation, with the modes including a private mode of operation and public mode of operation. All Stewart indicates is that there is a check of credentials, and thus arguable a private service. Next, the Office Action cites to:

In step 530 the service provider may determine if the MU is authorized to access the service provider. Some service providers may grant access to any MU, possibly upon submission of an ID code. For example, service providers which provide targeted advertising may provide this targeted advertising to all MUs. Other service providers may require a prior registration and/or a monetary fee before granting access. Additionally, there may be multiple levels of authorization based on geographic location. For example, a MU that performs banking through a service provider may not be allowed to transfer large amounts of money from his account unless his geographic location is secure. For example, if the MU is communicating through an AP in a hotel room, the MU may have limits on the types and amounts of transactions that may be accepted. This safeguard may reduce duress-induced transactions by requiring that transactions for large amounts be carried out in a secure location. If the connection is in a hotel lobby, instead of a hotel room, for example, the MU may have more privileges, but still less privileges than if he were geographically located in a bank lobby.

(Stewart, col. 14, lines 19-39) Again, the section describes the processes for checking identification, but does not address the relevant element of the claim. The Office then cites to:

In an alternative embodiment, one or more selected APs may be programmed to watch for the arrival of a particular PCD (target PCD). Upon detecting the presence of the target PCD, the AP establishing the link with the target PCD sends a message directly to a service provider, such as a rental car agency, hotel, etc., to arrange for the appropriate services to be ready for use by the MU upon the MU's arrival. Since the message has been sent, other APs can then be directed to cease watching for the target PCD.

(Stewart, col. 14, lines 19-39) The cited portion is not relevant to the elements of the claim that are at issue here. This portion indicates that one or more access points may watch for the arrival of a particular target portable computing device. When the portable computing device arrives, then a message is sent by the access point to a service provider to arrange for services for the mobile user. This is an offer of services in response to arrival of a device, but it does not present the relevant elements of the claim.

With regard to a public mode of operation, the Office Action cites to additional references for the operation is which service providers can choose to provide services to registered or not, but these are no more relevant. There is still no showing of a synchronization signal that indicates one of a plurality of modes of operation, with the modes including a private mode of operation and public mode of operation. The claimed public modes are claimed by determining whether to offer services to a user or device that is not registered (Stewart, col. 12, line 57 to col. 13, line 3), by dynamically determining whether non-registered users should be offered services (Stewart, col. 13,

lines 4-25), or by optionally offer services to a mobile user who is not registered. (Stewart, col. 14, lines 40-49). While arguably showing public access, these provisions do not address multiple modes of operation.

The remaining cited portions deal with issues that are unrelated to the elements in question, including sending targeted advertisements of services (Stewart, col. 13, lines 1-3 and col. 14, lines 19-26); send a query regarding whether a mobile user wants services from an access point (Stewart, col. 13, lines 15-25), and establishing a connection with a device.

Therefore, Stewart does not show “broadcasting a synchronization signal from a wireless access point device indicating one of a plurality of modes of operation for the access point, the plurality of modes of operation including a private mode of operation for authorized devices and a public mode of operation for authorized or non-authorized devices”. Stewart involves a different issue – providing services that are connected to geography – and not to providing a synchronization signal to indicate one of multiple possible modes.

It is submitted that the arguments presented above also apply to independent claims 16 and 21, and for this reason, among others, these claims are not anticipated by Stewart. The remaining rejected claims are dependent claims and are allowable because they are dependent on the allowable base claims.

Claims 29 and 31 - It is further noted that Claim 29 and 31 were added in the last office action and have been also now been rejected. Claim 29, as amended herein, provides the following:

wherein the plurality of modes of operation includes a simultaneous mode of operation, the simultaneous mode of operation providing authorized mobile devices access to private network services and authorized or non-authorized mobile devices access to public network services simultaneously via the access point device.

The Office Action indicates that a simultaneous mode is disclosed according to the following:

A transceiver may be defined as an electrical component that comprises one or both of a transmitter and a receiver. For example, an Ethernet transceiver contains electronics that apply signals to the cable and sense incoming signals. In one embodiment of the present invention, radio transceiver 210A receives communications from PCD 110A and radio transceiver 210B transmits communications to PCD 110A. *In another embodiment, radio transceiver 210A receives and transmits from/to a PCD 110A while radio transceiver 210B receives and transmits from/to a different PCD 110A. In either embodiment the transmitted information may contain security data or encoding that prevents others from receiving and decoding the transmitted data.*

(Stewart, col. 7, line 58 to Col. 8, line 4) (emphasis added) This provision of the reference indicates that more than one transceiver may be in operation. This provision could possibly imply that technically a system may handle numerous operations at the same time because there are multiple access points, but it is unclear how this applies here. The provision says nothing about what type of operations are in place, and is not related to the question of whether a system has a simultaneous mode of operation providing authorized mobile devices access to private network services and authorized or non-authorized mobile devices access to public network services simultaneously.

Further, the claim refers to simultaneous operations via the access point device, not the use of multiple devices in communications. This provision simply is not relevant to the claims.

It is respectfully noted that the rejection here is solely a rejection under 35 USC § 102 (e), and thus every element of the claim must be found in the cited reference. As shown above, all elements of the claims are not present in Stewart.

### **Conclusion**

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (503) 439-8778 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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